

Administrator McCarthy Meeting with Mr. John Shively (Pebble Limited Partnership)

Overview & likely purpose

John Shively, President of Pebble Limited Partnership (PLP) is likely to raise, again, several concerns about anti-Pebble bias” in the agency:

1. PLP doesn't like one of our contractors, Dr. Alan Boraas, who provided much of the anthropological and sociological information for the Assessment. We responded in detail to these concerns in a 8/14/13 letter to Shively from McLerran reminding him of our procedures to ensure there is no bias in our scientific assessments, and that the conclusions of our assessment are well-documented and referenced. This letter is attached.
2. PLP also has raised concerns that we submitted for independent peer review several technical documents submitted during our comment period. In the 8/14/13 letter we pointed out that the peer review was designed to inform us about the quality of science and potential limitations of these scientific reports, as we considered them in our revised assessment.
3. Shively is irritated that he received a phone call from the AP about a 9/30/13 letter GM sent to him, but that he'd not yet received in the mail.
 - Background
 - The AP got the letter from Wayne Nastri, consultant for mine opponents, who received it from Region 10. The Region released it after they were told it had been mailed to Shively.
 - After GM signed the letter it was sent to the EPA mailroom where it sat during the shutdown.
 - Nastri requested a copy of the letter after meeting with Dennis and Bill Dunbar who informed him that GM was going to follow-up the Alaska meeting with a letter to Shively.
 - Interestingly, a letter from Shively to GM dated 9/20 wasn't received until 10/17.
 - The AP has *not* written a story.
 - Talking points
 - This was a clerical error, and an unfortunate product of the shutdown
 - The Region heard from HQ that the letter had already been sent to you (Mr. Shively), and thus sent the letter to Wayne Nastri who'd requested a copy after learning about in a conversation with the Region.
 - However, due to the shutdown, the letter hadn't actually left the mailroom, thus the mine opponents unfortunately received the letter before you did.
 - We should have sent you an electronic copy.
 - Similarly, your letter dated 9/20 didn't get here until October 17, so it all boils down to bad timing.
 - Luckily the AP hasn't done a story on the letter

Recent correspondence:

- September 30, 2013 letter *from* Administrator to Mr. Shively requests that any mine plan consider:
 - A 45-78 year time horizon as the most likely long-term development scenario, even if the first phase is for a smaller mine.
 - How acid drainage from large amounts of waste rock and tailings will be controlled.
 - How direct and indirect impacts to the salmon fishery will be estimated and mitigated.
- September 20, 2013 letter *from* Mr. Shively (received on 10/17 after shutdown):
 - Requested that EPA wait for permit application as a basis for regulatory decisions.
 - Stated that the Bristol Bay assessment analyzed “hypothetical” mining scenarios without any avoidance, minimization, or mitigation.
 - PLP plan will incorporate best mining practices, avoidance.
 - Stated that economic benefits from mine are too great to justify “cutting off scientific inquiry”. Cites jobs, revenue to State, increased production of copper, social benefits to local communities.

Recommended General Messages:

- The EPA technical team is almost done incorporating additional public and peer review comments and finalizing the Bristol Bay Assessment.
- The government shutdown may have created some delay in releasing the final assessment but we still expect it to be published around the end of this year.
- We will also be publishing a detailed response to peer review and public comments on both drafts of the assessment.
- Although there will be revisions to the assessment based on public comments and peer review follow-up, the overall conclusions remain the same.
- Contrary to PLP’s assertions, our assessment scenarios do assume conventional modern mining methods and mitigation, and are largely based on Northern Dynasty’s preliminary mine plan.
- We understand that the PLP Environmental Baseline Document is currently being peer reviewed, and we used PLP data we felt was well-supported, pending the results of the peer review.
- We recognize that a PLP mine plan may be different, but expect it will still include the components we evaluated: a mine pit, storage for waste rock and tailings, and a transportation corridor.
- We have made no decisions regarding future regulatory actions, and do not expect to have any decisions before the assessment is finalized.
- Based on the assessment, we remain very concerned about long-term adverse effects to the fishery, wildlife, and Alaska Native culture from large-scale mining.
- We are interested to know the timing and format of the mine plan promised by PLP.